

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 03-234V

Filed: September 24, 2008

Not to be published.¹

KATHLEEN STAPLEFORD, parent of Devin
Stapleford, a minor,

Petitioner,

v.

SECRETARY OF HEALTH AND HUMAN
SERVICES,

Respondent.

Vaccine Act Interim Attorneys' Fees

DECISION (INTERIM ATTORNEYS' FEES)

On September 19, 2008, the petitioner submitted an application for interim attorneys' fees, seeking an award of fees and costs incurred to date in this case filed under the National Vaccine Injury Compensation Program. The motion seeks a total of \$ 61,000.00, and indicates that respondent has no objection. On September 22, 2008, counsel for respondent confirmed with my law clerk by telephone that respondent has no objection to this award of interim attorneys' fees and costs in that amount.

The total figure of \$ 61,000.00 seems reasonable and appropriate,² and the circumstances of this case appear to be appropriate for an award of interim attorney's fees and costs. Accordingly, I hereby award the following attorneys' fees and costs pursuant to 42 U.S.C. § 300aa-15 and *Avera v. HHS*, 515 F.3d 1343 (2008):

A lump sum of **\$ 61,000.00**, in the form of a check payable jointly to petitioner and petitioner's counsel.

In the absence of a timely-filed motion for review of this Decision (see Appendix B,

¹Because this document contains an explanation for my action in this case, I intend to post this order on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). Therefore, as provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, this entire document will be available to the public. *Id.*

²This case involved an evidentiary hearing, the filing of a number of supplemental expert reports after the hearing, and extensive briefing.

Rules of the United States Court of Federal Claims), the clerk shall enter judgment in accordance herewith.

/s/George L. Hastings, Jr.

George L. Hastings, Jr.
Special Master